

1 of the Public Inspection File, or Dave Evans' reports on the
2 status of the Public Inspection Files?

3 A I can't possibly speculate on Mr. Ramirez's
4 choices.

5 Q Do you have any idea why he would have not
6 complied with the requirements in filing the renewal
7 application?

8 A Perhaps he didn't have the documents that he
9 needed to. Perhaps he didn't have the information that he
10 needed to file in the proper manner.

11 Q Can you explain what the task force was, you've
12 mentioned that a couple of times. Who created the task
13 force?

14 A I believe it was commissioned by the School
15 District.

16 Q And do you recall when that might have been?

17 A I believe it was in the year prior to us filing
18 the petition, but I don't remember the exact dates.

19 Q Why was the task force created?

20 A I imagine to find out how the station could be run
21 more effectively.

22 Q So, the School Board had some indication that the
23 station wasn't being run effectively?

24 A You would have to ask the School Board that, but
25 when someone assigns a task force to look into the

1 operations, the daily operations of an organization, I
2 imagine it's not because everything is running swimmingly.

3 Q And what were the results of the task force, what
4 was their ultimate recommendation, if they made one?

5 A I believe that they called for an oversight
6 committee or board to organize the operations of the
7 station. Again, I have not read the task force's report in
8 seven years.

9 Q Okay. Do you recall when they published the
10 report?

11 A I don't recall when they published their report.

12 Q Okay. To just backup a little bit, you were
13 involved in the filing of the petition to deny the
14 application for renewal. What other involvement did you
15 have in Golden Gate Public Radio with any other documents
16 that they might have filed with the Commission regarding
17 that application renewal?

18 A I believe we filed an amended complaint, or an
19 amended petition.

20 Q And the reason for that was?

21 A Well, when we filed the petition we, you know, we
22 were not legal experts, so we had discovered that we had --
23 that things were missing in the way we had filed it.

24 Q Were you involved or responsible for any other
25 further pleadings?

1 A No.

2 Q You mentioned Jason Lopez as having been one of
3 the founding members. Can you tell me about your
4 relationship with Mr. Lopez, how did you know him?

5 A We had both been announcers at the station.

6 Q During what time period was he there?

7 A I believe he came the year after me, 1994. Maybe
8 even in the same year. So, I would see him, I'd be arriving
9 for a shift and he'd be leaving, or vice versa. And you
10 know, we all did fund raising together, so we all knew each
11 other from that, and we'd have station events, so.

12 Q And you were involved -- he was involved in GGPR,
13 Golden Gate Public Radio, so you had that involvement?

14 A Uh-huh.

15 Q Do you -- what were his -- are you familiar with
16 what his functions were at the station?

17 A He was an announcer. And he now has a show on
18 Friday nights at the station.

19 Q So, he's still involved with the station?

20 A Yes. He's had a show on air there for, I don't
21 know, six years or something.

22 Q Did you have any conversations with him regarding
23 the status of the station's Public Inspection Files?

24 A Yeah.

25 Q And what was the content of that conversation or

1 those conversations?

2 A That the station didn't have the documents in the
3 files that they said they had in there.

4 Q He had indicated that he looked at the Public
5 Inspection Files?

6 A I think Dave Evans told us that he had looked at
7 the Public Inspection Files. I do not know whether or not
8 Jason had looked at them.

9 Q Okay.

10 A It's entirely possible that he did.

11 Q Okay. And do you recall the time frame of your
12 conversations with him about the Public Inspection Files,
13 with Mr. Lopez?

14 A It would have been August, September, October, in
15 there, of 1997.

16 Q Do you know Mr. Lopez well enough to form an
17 opinion as to his reputation for honesty?

18 A Yes.

19 Q And what is that?

20 A Yes, I think he's an extremely honest person.

21 Q You've also mentioned Michael Johnson, can you
22 describe how you know him and what his relationship to this
23 studio is, the station rather?

24 A Michael trained me when I first came to KALW. He
25 was an on air announcer. He was subsequently General

1 Manager after Jeff Ramirez left. Michael did additional
2 shows besides his on air announcing work there, he also had
3 a music show on Tuesday nights called Acoustic Journey. He
4 had a daily show called Open Air, an art show. And I would
5 sometimes do pieces for them. Michael and I currently work
6 together. We subsequently worked together at KQED and we
7 currently work together on a radio show that I'm producing
8 on the side.

9 Q And does he still have any involvement with the
10 station?

11 A KALW?

12 Q Yes.

13 A No.

14 Q In his position during the 1996, 1997 and 1998
15 time frame, do you know if he had any function related to
16 the Public Inspection Files?

17 A I don't know.

18 Q And at what point did he become the General
19 Manager?

20 A I believe right after Jeff Ramirez left, and I
21 don't know exactly what date that was.

22 Q Do you have a reputation as to Mr. Johnson's
23 reputation for honesty?

24 A He's highly regarded in the public radio
25 community, and I'd say he's a very honest person.

1 Q Was he involved at all in Golden Gate Public
2 Radio?

3 A He was not a member of Golden Gate Public Radio.

4 Q Just to backup, you had indicated that Golden Gate
5 Public Radio had let its license lapse. Do you know when
6 that occurred?

7 A I think a year after we formed -- you know, I
8 don't know because I wasn't involved with it anymore after
9 that Spring, so I actually don't know. So, yeah.

10 Q Are you familiar at all with Nicole Saboya?

11 A I've met her once.

12 Q And what was the context of that meeting?

13 A I was coming into a shift. I mean I probably met
14 her three times then.

15 Q And how about Mr. Rojas, the Superintendent?

16 A I don't know him personally.

17 Q Do you know where Susan Hecht is at this time?

18 A No, I don't.

19 Q And do you recall when she left the station?

20 A No.

21 Q Did Golden Gate Public Radio -- did San Francisco
22 Unified School District or the station have any standard
23 operating procedures or guidelines on how to maintain the
24 Public Inspection File?

25 A I don't know.

1 Q Did they have any instructions on how to maintain
2 or update the Program Issue Lists, to the best of your
3 knowledge?

4 A I don't know.

5 MS. LEAVITT: Do you have any other questions?

6 MR. SHOOK: Why don't we take five minutes.

7 MS. LEAVITT: Okay. We'll take a five minute
8 break.

9 (Off the record at 11:51 a.m)

10 (Back on the record at 11:59 a.m.)

11 MS. LEAVITT: Okay. Back on the record.

12 BY MS. LEAVITT:

13 Q Ms. Kennedy, I just have a couple of follow-up
14 questions. Just so that we can pin down the date of the
15 filing of the petition, I want to show you a document. Do
16 you recognize this?

17 A Uh-hum, yes.

18 Q And what is it?

19 A It is a copy of the Petition to Deny Application
20 for License Renewal of KALW in San Francisco.

21 Q Okay. And if you will go to what's labeled as
22 page 23 of the petition?

23 A Yes.

24 Q What is contained on that page?

25 A It's a signature page.

1 Q And whose signature is on that?

2 A Jason Lopez and Deirdre Kennedy.

3 Q And what is the date?

4 A October 31st.

5 Q Indicating that?

6 A Indicating that this is when we had completed
7 these documents.

8 Q And that you filed them?

9 A Yes.

10 Q Okay. Thank you. And then I'm showing you
11 another document, are you familiar with that document?

12 A Yes, I am familiar with this document.

13 Q And what is that document?

14 A Verifications of Deirdre Kennedy and Jason Lopez,
15 which should have been included in our Petition to Deny.

16 Q And on the second page --

17 A This is the letter.

18 Q Okay. And attached with that document there's a
19 second page?

20 A Which is a declaration of Deirdre Kennedy.

21 Q And what does the declaration say?

22 A 'I, Deirdre Kennedy, Director Golden Gate Public
23 Radio, do hereby declare and state to the best of my
24 knowledge and belief I read Golden Gate Public Radio's
25 Petition to Deny Application for License Renewal of radio

1 station KALW, San Francisco, prior to its filing with the
2 Commission by Golden Gate Public Radio on November 3, 1997.

3 I have personal knowledge of the matters alleged therein.'

4 Do you want me to read the whole thing?

5 Q And the date?

6 A 28th of January 1998.

7 Q Indicating that's the date that you signed it?

8 A Yes.

9 Q And is that your signature?

10 A Yes, it is.

11 Q Thank you. In terms of the filing of the
12 petition, if Golden Gate had succeeded, or succeeds in
13 preventing the School District from getting the license for
14 KALW renewed, what do you hope happens to the license for
15 the station, what was Golden Gate's intention for the
16 license?

17 A I currently do not have any idea one way or
18 another what would happen to the license. And I don't have
19 any personal investment in what would happen to the license.

20 Q And at the time that Golden Gate Public Radio
21 filed the Petition to Deny, are you aware that there was any
22 particular goal or purpose, or expectation as to what might
23 happen to the license if it had not been renewed?

24 A I believe that GGPR wanted a task force to be put
25 in place to take over the responsibilities of the station.

1 Q In terms of questions I ask about the School
2 District providing funding, you mentioned donor appeals and
3 National Public Radio underwriting, what to what extent did
4 the School District provide funding for the station, to your
5 knowledge?

6 A They paid our salaries. They provided the
7 premises out of which we operated. Beyond that I don't
8 know what funding they provided.

9 Q Okay. And did they pay your salary on time?

10 A Yes.

11 Q Was there ever any problems with payment of your
12 salary?

13 A No.

14 Q The only other question I have is, you mentioned
15 that you are on medical leave. Is there any basis or any
16 reason that your ability to testify today would be
17 influenced by your medical leave?

18 A No.

19 Q Okay. I have no other questions. Is there
20 anything that you want to say or that you recall in terms of
21 any questions I asked you previously, to which you'd like to
22 amend an answer or clarify?

23 A On the list of people who were working at the
24 station, I missed Kevin Vance.

25 Q And what was his function and title?

1 A He was a board op announcer as well.

2 Q Would he have any familiarity with the Public
3 Inspection Files?

4 A I don't know. And the people that I mentioned
5 were all either office staff or on air staff, I didn't
6 include programmers.

7 Q Is there anyone you know of who did have any
8 responsibility for maintaining or working with the Public
9 Inspection Files, other than the people you've already
10 mentioned?

11 A Not to my knowledge.

12 Q Do you have anything else?

13 A No.

14 MS. REPP: If I could ask a few questions, I'd
15 really appreciate it.

16 BY MS. REPP:

17 Q You mentioned that you had not looked yourself at
18 the Public Inspection File of KALW at the time that the
19 Petition to Deny was filed by GGPR, that you had relied on
20 Dave Evans reporting to you?

21 A Yes.

22 Q Were you aware, before you spoke with Dave Evans
23 about the FCC's Public Inspection File requirements?

24 A No.

25 Q So, Dave Evans not only explained to you that he

1 thought that there were missing documents, but did he
2 explain to you what the FCC rule requirements were, or did
3 he just say there are missing documents?

4 A He did describe what the requirements were.

5 Q Was this discussion after you had formed GGPR or
6 before?

7 A I do not recall the exact date.

8 Q Well, going back to the formation of GGPR, was it
9 formed to bring to the attention of the FCC the Public File
10 discrepancies or violations?

11 A That was part of the -- part of why we formed.

12 Q But, so then can one conclude that you would have
13 had to have had the conversation with Mr. Evans about the
14 alleged violations before the formation of GGPR, if that was
15 one of the purposes of its formation?

16 A So, you're asking me to draw a conclusion about
17 the date at which I had a conversation with him?

18 Q Well, just following that, if GGPR had been formed
19 in part to address these questions with the FCC, then --

20 A Yes.

21 Q -- it would seem that --

22 A Yes.

23 Q -- and you didn't know about these requirements,
24 that there had to have been some education process?

25 A Yes.

1 Q So, based on that, you can assume that you had a
2 discussion with Dave Evans prior to the formation of GGPR
3 about what and what was not in the Public File?

4 A Yes.

5 Q Again going to the formation, you mentioned that
6 you and Mr. Evans and Mr. Baker and Mr. Lopez were the
7 founders of GGPR?

8 A Yes.

9 Q Would you say that any one of you came up with the
10 notion of going to the School Board and talking about GGPR
11 being the instrument to implement the task force
12 suggestions?

13 A Was there a particular person who came up with
14 that?

15 Q Yes, that's the question, of the four founders,
16 how did you arrive at the decision to formulate GGPR to be
17 the entity to which the task force suggestion would be
18 visualized?

19 A I don't recall whose idea that was.

20 Q Did you prepare, did GGPR prepare a report that
21 they sent to the District regarding their proposal?

22 A I don't recall.

23 Q Could you explain what the terms of the proposal
24 were that GGPR had in 1997?

25 A I don't have a copy of that.

1 Q But, do you have a recollection of whether there
2 was a written proposal?

3 A I actually don't know.

4 Q Okay. Could you tell us what your recollection is
5 now of what the proposal was that GGPR had at that time for
6 changing management of KALW?

7 A To support the formation of a task force to
8 oversee the duties and responsibilities of the station and
9 help it become a community service, help it become more of a
10 community service.

11 Q Under the GGPR proposal, who would be managing the
12 station?

13 A I have no idea.

14 Q Is that because you don't remember?

15 A I don't remember.

16 Q In terms of had you discussed, and do you remember
17 discussing what's called an LMA, a Local Marketing
18 Agreement?

19 A No, I don't remember. Q At the time that GGPR was
20 founded, who actually prepared the paperwork to file with
21 the State of California?

22 A Oh, I believe it was Jason Lopez.

23 Q Jason Lopez. Did you have an attorney that GGPR
24 used?

25 A To file the corporation paperwork?

1 Q To prepare and file the corporation work?

2 A I don't know.

3 Q Thereafter did you, GGPR, use the services of
4 counsel in any capacity?

5 A Yes.

6 Q And what capacity would that be?

7 A In filing the petition, in preparing the petition.

8 Q And which counsel helped you prepare that?

9 A Alan Corne.

10 Q Alan Corne. Where is Alan Corne based, is he a
11 solo practitioner?

12 A He was with the Law Offices of Brichenko and Corne
13 in San Francisco. I don't know where he's practicing now.

14 Q Did Mr. Corne sign onto the petition as attorney
15 of record, to your recollection?

16 A Meaning?

17 Q Did he present himself as attorney of record for
18 GGPR in the petition or subsequent filings with the FCC?

19 A I believe so but I don't know if he filed papers
20 to that effect.

21 Q When you mentioned before that you did review the
22 Petition to Deny, that had been filed in November of 1997
23 with the FCC, in what you called an editorial capacity, do
24 you recollect who was the prime drafter of the Petition to
25 Deny, which person?

1 A I believe it was Jason.

2 Q Jason Lopez?

3 A Um-hum.

4 Q Do you know what Mr. Corne's role was in preparing
5 the petition?

6 A I believe that he put it into legal language.

7 Q Do you know if Mr. Corne reviewed the FCC's
8 procedural rules?

9 A I do not know what Mr. Corne did, that doesn't
10 mean he did or didn't.

11 Q There were declarations, affidavits that were
12 attached to the Petition to Deny, do you recollect if you
13 drafted your declaration?

14 A Meaning?

15 Q Did you type up the words, were you the original
16 writer of that version?

17 A I don't know if I did draft the declaration.

18 Q There was also a declaration filed thereafter, do
19 you recollect if you drafted any of the subsequent
20 declarations that were filed with the FCC?

21 A I don't know that I originated the language that
22 was in that.

23 Q Okay. There were other, there were several
24 exhibits attached to the Petition to Deny that was filed by
25 GGPR with the FCC, did you have a role in speaking with any

1 of the people who provided exhibits?

2 A Can you be specific about what exhibits you're
3 talking about?

4 Q I can.

5 MR. SHOOK: I have one, so if you want to look at
6 one while she's looking at it.

7 BY MS. REPP:

8 Q For example, one of the -- I have --

9 MR. SHOOK: Do you have multiple copies?

10 BY MS. REPP:

11 Q I'll show you a document that on the bottom it
12 says Exhibit C, page one of two, the second page says page
13 two of two. Do you recognize this document?

14 A It looks familiar.

15 Q Could you read the title of the document?

16 A 'Affidavit of Dave Evans in Support of Petition of
17 Golden Gate Public Radio to Deny License Renewal of Radio
18 Station KALW'.

19 Q It looks familiar but do you recollect who would
20 have drafted the terms of this document, would it have been
21 Mr. Corne or Mr. Lopez?

22 A I have no idea who drafted this document.

23 Q Now, in this document Mr. Evans states that he
24 told Mr. Ramirez the Public Inspection File was a mess and
25 it needed his immediate attention, among many other items he

1 told Mr. Ramirez that ownership reports and quarterly issue
2 reports hadn't been filed and that the EEO program was out
3 of date. When you became a signatory to the Petition to
4 Deny that was filed by GGPR, did you have any personal
5 knowledge of the statements, of the information to which Mr.
6 Evans was attesting to?

7 A Mr. Evans has told me this same thing.

8 Q He told you but you had not personally reviewed
9 the file?

10 A I had not personally reviewed the file.

11 Q May I show you another document that is also an
12 exhibit to the GGPR petition, it is labeled on the bottom
13 Exhibit E, and there's page one of four, page two of four,
14 page three of four and page four of four. Are you familiar
15 with this document?

16 A I can't see what's printed on the left side of the
17 page there, it's some --

18 MR. SHOOK: I'm afraid in all of our copies things
19 have been cut off.

20 MS. LEAVITT: Some of them are better. This one
21 is better, it's a little highlighted, if you want to take a
22 look at this and see if it's all right.

23 MS. REPP: Well, it may have some of the same
24 problems, Ms. Kennedy, that this copy has. It might be
25 better for you.

1 THE WITNESS: Can you repeat your question please?

2 BY MS. REPP:

3 Q Well, are you familiar with this document, which
4 is labeled Exhibit E and which was attached to the GGPR
5 Petition to Deny?

6 A It looks familiar.

7 Q Do you know who drafted this particular item?

8 A No, I don't.

9 Q Do you -- the pages of this Exhibit E seem to have
10 quite a few blank spaces in it, in particular if you look at
11 page four, it almost looks a bit like a cut and paste. Do
12 you have any information as to why it's formatted in this
13 way?

14 A No.

15 Q There is another document that was an attachment
16 to the GGPR Petition to Deny, and my bottom page, where the
17 Exhibit number is cut off but, the top says 'Separation
18 Report City and County of San Francisco Civil Service
19 Commission', with the name Calverson Williams.

20 A It's page one of one, Exhibit N.

21 Q I believe it's Exhibit N. Do you recollect
22 reviewing this document at the time the GGPR petition was
23 prepared?

24 A It was so long ago I don't recollect every single
25 document that was in that petition.

1 Q Would you have assisted GGPR in obtaining any or
2 all of the exhibits?

3 A No.

4 Q And you therefore did not assist GGPR in obtaining
5 this document?

6 A No.

7 Q Do you know how GGPR obtained this document?

8 A No idea, I don't know.

9 Q I'm showing you another document which is titled
10 on the bottom Exhibit O, there's page one of three, page two
11 of three, page three of three. This is also an exhibit to
12 the GGPR petition. If you could look at this document, do
13 you recollect what the purpose of this document was?

14 A Do I know what the purpose of this document was?

15 Q Do you know what this document purports to
16 describe?

17 A Represents? Issues that were covered.

18 Q Issues that were covered by KALW over the air?

19 A KALW.

20 Q Do you know if it related to a particular program?

21 A I can see from these dates that this is a weekly
22 program and I can only guess that it was City Visions, which
23 ran on Monday nights. I do not know what other program this
24 could apply to.

25 Q Do you know where GGPR obtained this document?

1 A No, I don't.

2 Q Do you know, it starts at, if you look at -- it's
3 typed on pages five, six and seven on the document, not the
4 handwritten front pages, would you know where pages one
5 through four were --

6 A No, I have no idea.

7 Q For your review is a document that's entitled
8 Exhibit U, it goes from page one of seven through to page
9 seven of seven, this was an exhibit to the GGPR petition and
10 it stated at the top it's an Agreement Between San Francisco
11 Unified School District and Rose Levison. Do you know how
12 GGPR obtained this document?

13 A I have no idea.

14 Q I have here for you a document that on the bottom
15 is titled Exhibit E-B, page one of one, on the top it says
16 KALW Issues 9/97. Are you familiar with this document?

17 A It appears to be an exhibit.

18 Q Do you know who the author of this document is?

19 A I do not know.

20 Q Are you the author of the document?

21 A Oh no.

22 Q I note on Item 2 of CCEEO rules, one of the
23 bullets underneath that says, 'In 6/96 SFUSD/KALW attempted
24 to terminate an employee and withheld two paychecks because
25 of his disability (AIDS)'. Do you know which employee that

1 sentence is referring to?

2 A I know that Dave Evans had AIDS, I don't know
3 about any attempt to terminate him.

4 Q Do you know of any --

5 A But, I don't know that this applies to that
6 either, I don't know who this applies to.

7 Q Do you know if Dave Evans had any difficulties
8 with the management of KALW about the time of 1996 or 1997?

9 A Not to my knowledge.

10 Q Dave Evans, did Dave Evans ever complain to you
11 that he had concerns about the stability of his employment
12 with KALW?

13 A No, he never expressed that to me.

14 Q The next item says, 'In 6/95 an SSFUSD KALW
15 manager was investigated for sexual harassment'?

16 A Yes.

17 Q Do you know who that manager is?

18 A Yes.

19 Q Who is that?

20 A Jerry Jacob.

21 Q Jerry Jacob was a manager when you were at the
22 station?

23 A Yes.

24 Q Do you know under what circumstances he left the
25 station?

1 A His contract was not renewed.

2 Q And that would have been after June 1995?

3 A I don't know the exact dates.

4 Q The next item is 'In 8/97 an SFUSD/KALW manager
5 promised a yet to be created job, Development Director, to a
6 friend'. Do you know which individuals are being referred
7 to in that item?

8 A No.

9 Q The next Item 3, 'Financial Accountability'
10 discusses CPB Corporation Public Broadcasting matters. Is
11 it your understanding that the FCC regulates the funding
12 from the Corporation Public Broadcasting?

13 A Can you repeat the question please?

14 Q Is it your understanding that the FCC regulates
15 matters involving funding from the Corporation Public
16 Broadcasting?

17 A I don't know.

18 Q I'd like to show you another document, this is on
19 the letterhead of Brichenko & Corne, Attorneys at Law, dated
20 October 1, 1997. It's a two page letter from Jeffrey
21 Brichenko to Ernest T. Sanchez. If you could review that
22 document?

23 A Um-hum.

24 Q Have you seen this letter before?

25 A Yes, I have seen this letter before.

1 Q Did you see it after it was sent to Mr. Sanchez or
2 did you review a draft of it before Mr. Brichenko sent it to
3 Mr. Sanchez?

4 A I don't recollect.

5 Q Was Mr. Brichenko acting on behalf of GGPR when he
6 drafted and sent this letter to Mr. Sanchez?

7 A I believe he was.

8 Q Was Mr. Brichenko directed by the members of GGPR
9 to draft this letter?

10 A I don't know who he was directed by to develop the
11 letter.

12 Q But, the letter -- did the letter reflect the
13 understanding and desires of GGPR?

14 A I don't recall at this time what the
15 understandings of GGPR were.

16 Q One of the statements made by Mr. Brichenko in the
17 letter is, 'My client's --', which would be GGPR, '--
18 proposal is to increase the size of its board to a large
19 enough body to include a majority of the Unified School
20 District appointed representatives, the non-profit would
21 then operate the station', on page two, the first paragraph?

22 A I see that.

23 Q Do you recollect if that was GGPR's proposal in
24 1997?

25 A I don't recollect exactly what the proposal was in

1 1997.

2 Q The letter goes on to say, 'My client's proposal,
3 which includes invigorated fund raising also would relieve
4 the Board of Directors of a substantial financial burden,
5 accordingly, my clients hope that their proposal would have
6 been well received.' Did GGPR make a proposal to SFUSD
7 before October 1, 1997 when this letter was written?

8 A I don't recall.

9 Q The next line, in the next paragraph Mr. Brichenko
10 states, 'Because of the time necessary to write a Petition
11 to Deny, the time for negotiation between our clients is
12 short. My clients have set a deadline of October 10th to
13 begin writing the Petition to Deny, if good faith discussion
14 negotiation aimed at a transfer of management of station are
15 not underway by that date, the negotiations will cease and
16 work on the petition will begin.' Did GGPR authorize
17 Mr. Brichenko to write that statement?

18 A I don't know.

19 Q You said that you saw this letter, do you
20 recollect GGPR ever telling Mr. Brichenko whether the letter
21 was unauthorized or should be retracted?

22 A I do not know, I was not involved in all
23 conversations.

24 Q But, you did see this letter and you personally
25 did not ask Mr. Brichenko to retract the letter or the

1 statements therein?

2 A Yes.

3 MR. SHOOK: Marissa, you may want to clarify
4 because I think you had two parts to your question.

5 BY MS. REPP:

6 Q You did not, to clarify, you did not ask
7 Mr. Brichenko to retract the statements in this letter?

8 A To the best of my recollection, I did not have a
9 conversation with Mr. Brichenko to that effect.

10 Q What is your understanding of what would have
11 happened if SFUSD had agreed to enter into negotiations on
12 or before October 10, 1997?

13 A I don't recall.

14 Q You don't recall if GGPR had a plan to table the
15 Petition to Deny if there had been negotiations towards the
16 transfer of management to a non-profit, which GGPR would be
17 a participant?

18 A It's seven years ago, I don't recall the details
19 and, as I've stated several times, I am no longer a member
20 of GGPR, I haven't been involved with this petition since
21 then, so.

22 Q You mentioned that you had little contact with Mr.
23 Ramirez, who was General Manager in about 1996 to 1997?

24 A Yes.

25 Q And you also stated that that was somewhat

1 different from prior management styles?

2 A Yes.

3 Q Did you feel that Mr. Ramirez was not a good
4 manager of the station?

5 A No.

6 Q You thought he was a good manager?

7 A I don't recall thinking he was a particularly good
8 manager, I felt that he was remote and didn't have a very
9 hands on approach with the day to day operations of the
10 station.

11 Q Did you think that he was directing KALW in an
12 appropriate direction during his tenure?

13 A I did not feel a strong sense of direction from
14 Mr. Ramirez.

15 Q So, you had a feeling that it was rudderless or
16 leadership, leaderless ship (sic) at the time?

17 A Yes.

18 Q Did you think that having a new management that
19 was made up of members from GGPR would improve the direction
20 of KALW?

21 A I felt that KALW needed an adequate management
22 structure to be in place.

23 Q Were there other alternatives that would have been
24 adequate besides the one that GGPR was involved in?

25 A Certainly.

1 THE WITNESS: Can we take a five minute break? Do
2 you mind? I'm sorry, I need to use the restroom.

3 (Off the record at 12:38 p.m.)

4 (On the record at 12:40 p.m.)

5 MS. REPP: We're back on the record.

6 BY MS. REPP:

7 Q Ms. Kennedy, you say that you're currently a
8 listener of KALW?

9 A That's correct.

10 Q As a listener, do you feel that this station has a
11 direction now?

12 A Yes, I do.

13 Q Do you feel that it's producing programming of
14 interest to the community?

15 A Yes, I do.

16 Q Do you keep in touch with any of your former
17 co-workers who are at the station, who are still working for
18 KALW?

19 A I run into them.

20 Q Have any of them expressed to you their current
21 opinion as to the management of the station at present?

22 A No.

23 Q Does the station have a reputation in the
24 community, that you're aware of?

25 A When you say reputation, what do you mean by that?

1 Q Is it known as a station that's well run, that's
2 professionally operated?

3 A Then you would be talking about the broadcasting
4 community as opposed to the listenership community?

5 Q That would be, we can talk about it --

6 A I can tell you what the reputation is from a
7 listener's point of view.

8 Q Okay, from a listener's point of view, what's your
9 understanding of its reputation?

10 A That KALW is a very -- has diverse programming,
11 people really enjoy it, it has well rounded music
12 programming, it offers some programs that can't be heard on
13 other NPR stations. I think it's highly regarded in the
14 community.

15 Q Does it have a reputation, that you're aware of,
16 in the broadcasting community?

17 A I don't know what the current reputation is in the
18 broadcast community.

19 Q Do you know if the current General Manager of KALW
20 -- has a reputation in the broadcasting community?

21 A Again, when you say reputation, I would like you
22 to be more specific about what you mean by that?

23 Q Is she considered by the broadcasting community to
24 be a professional and knowledgeable manager?

25 A Yes.

1 MS. REPP: That's it. Thank you for your time.

2 MS. LEAVITT: I just have one follow-up, just to
3 clarify the record.

4 BY MS. LEAVITT:

5 Q I'm showing you another document, it's on GGPR
6 letterhead dated February 17th. Are you familiar with this
7 document?

8 A All of this?

9 Q This is one, yes, this was the entire document?

10 A Okay. So, this is Golden Gate Public Radio's
11 reply to SFUSD's opposition to Petition to Deny and GGPR's
12 opposition to SFUSD's Motion to Strike.

13 Q Right.

14 A If this contains the documents that were filed
15 originally at that time, I was familiar with the documents
16 when they were filed.

17 Q Okay. And looking on page 29 of that document,
18 whose signature is that?

19 A Jason Lopez.

20 Q Did you prepare the document at all, did you help
21 in preparing the opposition?

22 A I, at this time I believe I was no longer involved
23 with GGPR.

24 Q Okay. Turning your attention to what's in
25 sequence numbered one, entitled 'Declaration of Deirdre

1 Kennedy' and it's after page E, Exhibit E, page 19 of 19.

2 Do you recall preparing that declaration?

3 A Yes.

4 Q And what is the -- who signed the declaration?

5 A I signed the declaration.

6 Q That's your signature?

7 A Yes.

8 Q And what was the date of that?

9 A February 17, 1998.

10 Q Okay.

11 A I'm sorry -- yes, 1998.

12 Q I would ask that you just review paragraphs two,
13 five and six on the first page?

14 A Yes.

15 Q And what was the date that Golden Gate Public
16 Radio was incorporated?

17 A I don't know the date that it was incorporated,
18 I'm sorry.

19 Q Okay. At the time when you prepared paragraph two
20 of the declaration?

21 A Yes.

22 Q It indicates that Golden Gate Public Radio was
23 registered with the State of California on May 27, 1997?

24 A That's what it says.

25 Q Is that, was that correct at the time that you

1 prepared that?

2 A I can see a document here from the Secretary of
3 State, Bill Jones, which says it was incorporated in May of
4 1997, so.

5 Q That would be Exhibit A of page one of three to
6 your declaration?

7 A Yes.

8 Q Okay. And then in paragraph five, on the first
9 page of your declaration?

10 A Yes.

11 Q Does this help you recall exactly when you became
12 actively involved in Golden Gate Public Radio?

13 A Can you repeat that question?

14 Q If you review paragraph five, does that refresh
15 your recollection as to when you became actively involved in
16 the organization Golden Gate Public Radio?

17 A It says in this paragraph I became a member of
18 GGPR's Board of Directors on July 17, 1997.

19 Q Okay. And finally, in paragraph six, there's a
20 summary of the Articles of Incorporation, expressly stating
21 the goal of Golden Gate Public Radio. Can you please read
22 the material that's in quotes?

23 A It begins with ellipsis so, it says 'GGPR's
24 Articles of Incorporation dated May 27, 1997 expressly say
25 that GGPR 'is not organized for the private gain of any

1 person and is organized under the non-profit public benefit
2 corporation law for charitable purposes. The specific
3 purposes for which this corporation is organized are for the
4 production, promotion and broadcast of public radio
5 programs'.'

6 MS. LEAVITT: Okay. Thank you. That's all I
7 have.

8 MR. SHOOK: Okay. I guess we're finished.

9 (Thereupon, at 12:48 p.m. the testimony of
10 Deirdre Kennedy was concluded.)

11 I have read the foregoing pages 1 through
12 57, and they are a true and accurate record of my
13 testimony therein recorded, and any changes and/or
14 corrections appear on the attached errata sheet
15 signed by me.

16 _____
17 DEIDRE KENNEDY

18 Subscribed and sworn to before me
19 this ____ day of _____, 2004.

20 _____
21 Notary Public

22 My Commission expires: _____
23
24
25

JURISDICTION: _____

Before me, the undersigned authority, personally appeared Deidre Kennedy who, after being duly sworn states that she has read the foregoing deposition transcript, and states that she wishes to make the following changes or corrections to this transcript for the following reasons:

PAGE	LINE	CHANGE	REASON FOR CHANGE
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The witness states that the deposition transcript, pages 1 through 57, is otherwise true and accurate.

Deidre Kennedy

Subscribed and sworn to before me on
the _____ day of _____, 2004.

Notary Public

My Commission Expires: _____

REPORTER'S CERTIFICATE

DOCKET NO.: 04-191

CASE TITLE: SFUSD - Station KALW (FM)

HEARING DATE: September 27, 2004

LOCATION: Renne, Sloan, Holtzman & Sakai
188 The Embarcadero
San Francisco, California

I hereby certify that the proceedings and evidence
are contained fully and accurately on the tapes and notes
reported by me at the hearing in the above case before the
Federal Communications Commission.

Date: 10/6/04

Christopher Loverro

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